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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/706,014

11/12/2003

Samuel C. Wang

1406-CV (P275US)

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EXAMINER

WENDMAGEGN, GIRUMSEW

ART UNIT

PAPER NUMBER

2621

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01/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/706,014	<b>Applicant(s)</b> WANG ET AL.	
	<b>Examiner</b> GIRUMSEW WENDMAGEGN	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-10, 12-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-10, 12-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/27/2008 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claim 7-10, 12-15, and 17-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

Claim 17 is objected to because of the following informalities: Claim 17 is depends on claim 16, which is canceled. Appropriate correction is required.

For the purpose of compact prosecution claim 17 is depends on claim 15.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim7-10, 12-15, 17-20** is rejected under 35 U.S.C. 103 (a) as being unpatentable over Kikuchi ET al (Patent No US 6,553,180).

Regarding claim7,15, Kikuchi et al (hereinafter Kikuchi) anticipates method of creating customized menus in an embedded digital versatile disk recording system (see figure40,41) comprising: selecting background data for generating a selected menu background (see figure61 st834, st838); selectively converting at least one index frame comprising an intra-frame from a recorded digital versatile disk into decompressed video data (see figure60 S814; column59 line32-48); composing the selected menu in decompressed space from the selected background data and the decompressed video data; compressing the composed menu and recording the compressed composed menu onto the digital versatile disk (see figure 68-71; column6143-45); wherein the data for creating the background image is selected from the group of data formats consisting of Joint Picture Experts Group, Graphic Interchange File, or Bitmap data formats (see column36 line57-64) but does not teach selectively extracted from one of a plurality of available sources, the plurality of available sources including the recorded digital versatile disk. However it is well known that a user can extract a still picture (background images) from plurality of different source. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to extract background images in Kikuchi from one of the plurality of sources because it would give the user more choice.

Regarding claim8, Kikuchi teaches the method of Claim 7, wherein selecting background data comprises copying background data from the digital versatile disk (see column29 line 30-35).

Regarding claim9, see the teaching of Kikuchi above. Kikuchi does not teach the method of Claim 7, wherein selecting background data comprises importing background data from a digital data source selected from the group consisting of optical disk drives, programmed flash memory devices, and computing appliances. However it is well known that a user can import a still picture (background images) from plurality of different source. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to import background images in Kikuchi from one of the plurality of sources because it would give the user more choice.

Regarding claim10, Kikuchi teaches the method of Claim 7, wherein selecting background data comprises selecting data for creating a still background image (see column29 line 30-35).

Regarding claim12, Kikuchi teaches the method of Claim 7, wherein composing the selected menu comprises composing a button for navigating to a segment on the digital versatile disk from the decompressed video data (see figure70).

Regarding claim13, Kikuchi teaches the method of Claim 7, wherein composing the selected menu comprises composing a menu page having a background and a plurality of buttons composed of index frames representing each of a plurality of segments recorded on the digital versatile disk (see figure68-71).

Regarding claim14, 19-20 see the teaching of Kikuchi above. Kikuchi does not teach selecting background data comprises selecting data available for download from a computer network. However it is old and well known downloading a background data from computer network. Therefor official notice is taken

One of ordinary skill in the art at the time the invention was made would have been motivated to download background data from computer network in Kikuchi because it would be allow the user to get background images not available on local recording medium.

Regarding claim17, Kikuchi teaches the system of Claim 15, further comprising a memory for storing a library of user-selectable background image data (see figure40 element 30).

Regarding claim18, Kikuchi teaches the system of Claim 17, wherein the memory comprises a non- volatile memory storing a preset selection of user-selectable background image data (see figure40 element 30, ROM).

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Frimout et al (patent No US 7,046,260).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Girumsew Wendmagegn/  
Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621